

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

UNITED STATES OF AMERICA,

CASE NO. 22-60078-CR-RUIZ

vs.

ANDY TOVAR,

Defendant(s).

**MOTION FOR APPOINTMENT OF LEARNED COUNSEL UNDER 18 U.S.C. § 3005**

The Defendant, ANDY TOVAR, by and through undersigned counsel, moves this Honorable Court for an order appointing counsel “learned in the law applicable to capital cases” (hereinafter “learned counsel”) pursuant to 18 U.S.C. § 3005 and in support thereof states as follows:

**INTRODUCTION**

The defendant is charged in Counts Two and Three of the Indictment with Murder in Aid of Racketeering Activity (18 U.S.C. § 1959), and the Indictment contains a Notice of Special Findings regarding death penalty eligibility. The “Penalty Sheet” also indicates that the “Max Term of Imprisonment” is “Death or life imprisonment.”

The defendant has appointed counsel under the Criminal Justice Act (CJA) and qualifies financially for appointed learned counsel.

**MEMORANDUM OF LAW**

18 U.S.C. § 3005 states, in pertinent part:

“Whoever is **indicted** for treason or other **capital crime** shall be allowed to make his full defense by counsel; and the court before which the defendant is to be tried, or a judge thereof, **shall promptly**, upon the defendant's request, assign 2 such counsel, of whom **at least 1 shall be learned in the law applicable to capital cases**, and who shall have free access to the accused at all reasonable hours. In assigning counsel under this section, the court shall consider the recommendation of the Federal Public Defender organization, or,

if no such organization exists in the district, of the Administrative Office of the United States Courts.” (emphasis added)

As the First Circuit has held, under § 3005, “promptly means promptly after indictment, not (as the government asserts) only after the Attorney General has made a determination to seek the death penalty”. In re *Sterling-Suarez*, 306 F.3d 1170 (1st Cir., 2002). See also, *Guide to Judiciary Policy, Vol 7 Defender Services, Part A Guidelines for Administering the CJA and Related Statutes, Chapter 6: Federal Death Penalty and Capital Habeas Corpus Representations, § 620.10.10 (a)* (“As required by 18 U.S.C. § 3005, at the outset of every capital case, courts should appoint two attorneys, at least one of whom is experienced in and knowledgeable about the defense of death penalty cases.”)(emphasis added)

The historical commentary to the American Bar Association Guidelines for the Appointment and Performance of Defense Counsel in Death Penalty Cases (2003) makes clear that:

The period between an arrest or detention and the prosecutor's declaration of intent to seek the death penalty is often critically important. ... [E]ffective advocacy by defense counsel during this period may persuade the prosecution not to seek the death penalty. Thus, it is imperative that counsel begin investigating mitigating evidence and assembling the defense team as early as possible-- **well before the prosecution has actually determined that the death penalty will be sought.** (emphasis added)

The complex nature of the investigation and preparation of a capital case, including issues relating to the pre-trial death penalty authorization procedures (often referred to as the “DOJ Protocol” and described more fully in the Justice Manual (formerly United States Attorneys’ Manual), section 9-10.000, *et. seq.*, mandate that learned counsel be appointed at the earliest time possible. See Generally, *In re Sterling Suarez, supra*, and *American Bar Association Guidelines for the Appointment and Performance of Defense Counsel in Death Penalty Cases (2003), supra*.

As set forth above, 18 U.S.C. 3005 requires the Court to “consider the recommendation of the Federal Public Defender organization”. A recent amendment to Judicial Conference policy expands upon this statutory requirement, and provides that:

Judges should consider and give due weight to the recommendations made by federal defenders and resource counsel and articulate reasons for not doing so. See: JCUS-MAR 2019, pp. 18-20.

§ 620.30 Procedures for Appointment of Counsel in Federal Death Penalty Cases

Defendant and undersigned counsel hereby request appointment of Edward J. Ungvarsky as Learned Counsel. Undersigned counsel has conferred with Federal Death Penalty Resource Counsel, who concurs in the recommendation. Mr. Ungvarsky was learned counsel for Defendant in a death penalty case out of Virginia and the Defendant knows Mr. Ungvarsky and has approved of him as co-counsel with undersigned counsel. Mr. Ungvarsky is exceptionally qualified as his curriculum Vitale attached hereto as *Exhibit 1* demonstrates.

WHEREFORE, the Defendant respectfully requests that this Honorable Court “promptly” appoint Edward J. Ungvarsky as “learned counsel” under 18 U.S.C. § 3005 and whatever other relief it deems just and reasonable.

Respectfully submitted,

  
/s/ Emmanuel Perez

Emmanuel Perez, Esquire

Fla. Bar No. 586552

Emmanuel Perez & Associates, P.A.

901 Ponce De Leon Boulevard, Suite 101

Coral Gables, Florida 33134

Tel: (305) 442-7443

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Email: [courtmail@lawperez.com](mailto:courtmail@lawperez.com)

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that I electronically filed the foregoing document, with the Clerk of the Court using CM/EFC which sent e-mail notification of such filing to all CM/EFC participants in this case on this 13th day of January 2023.

/s/ Emmanuel Perez

Emmanuel Perez, Esquire

Fla. Bar No. 586552

Emmanuel Perez & Associates, P.A.

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Coral Gables, Florida 33134

Tel: (305) 442-7443

Fax: (305) 441-9218

Email: [courtmail@lawperez.com](mailto:courtmail@lawperez.com)

# Exhibit 1



## **EDWARD J. UNGVARSKY**

421 King Street, Suite 505, Alexandria, VA 22314  
571.207.9710 (office) ■ 202.409.2084 (cellular) ■ 571.777.9933 (fax)  
[ed@ungvarskylaw.com](mailto:ed@ungvarskylaw.com)  
[ungvarskyforums@gmail.com](mailto:ungvarskyforums@gmail.com)

### **BAR MEMBERSHIPS**

Virginia (2012), District of Columbia (1998), New York (1997), New Jersey (1993); District of District of Columbia; District of Maryland; Eastern District of Virginia; Western District of Virginia; District of New Jersey

### **SECURITY CLEARANCE**

Department of Defense TS/SCI (Security Clearance) Based UNSSBI

### **EDUCATION**

**Yale Law School**, New Haven, CT, J.D., June 1993

YALE LAW JOURNAL, Essays Editor

Poverty Legal Services Clinic (1991-93)

Mary McCarthy Fellow in Public Interest Law (competitive fellowship)

Transferred from Georgetown University Law Center, Washington, DC (1990-91)

**Wesleyan University**, Middletown, CT, B.A., Government, June 1990

Studied and Interned Abroad, Royal United Services Institute, London, England (Fall 1989)

Resident Advisor (supervised and mentored co-educational first-year hall) (1988-89)

Member, Wesleyan Student Assembly (elected student representative, 2 terms) (1988-89)

Member, Budget Committee, Wesleyan Student Assembly (1988-89)

Member, First-Year Men's Crew Team (Spring 1987)

### **AWARDS**

Best Lawyers, Criminal Defense, Washingtonian Magazine (recurring) (nominated and selected as among top criminal defense lawyers in Washington, DC and Virginia)

The National Trial Lawyers Top 100 (recurring) (nominated and selected as among 100 top criminal defense lawyers in Virginia)

2018 Best Lawyer, Criminal Defense Practice, Northern Virginia, Northern Virginia Magazine (Dec. 2018) (listed among criminal defense practitioners)

2017-18 Bill Geimer Award, Virginia Capital Case Clearinghouse, Washington & Lee School of Law (Nov. 2018) (statewide award given to one person for excellence in capital defense representation)

2015 Spirit of the Law Award, Forensic and Legal Psychology Program, Marymount University (Mar. 2015) ("for representing the spirit of the law to Marymount's Forensic Psychology Students")

2014 Kutak-Dodds Prize, National Legal Aid & Defender Association (June 2014) ("awarded to attorneys that have significantly contributed to the human dignity and quality of life of individuals unable to afford legal representation")

President's Commendation, National Association of Criminal Defense Lawyers (Apr. 2010)

President's Commendation, National Association of Criminal Defense Lawyers (July 2006)

## EMPLOYMENT

**Ungvarsky Law, PLLC**, Alexandria, VA (Feb. 2018 to date)

*Principal/Owner*

- Represent persons charged with criminal offenses – from financial crimes to capital murder – in federal courts in the District of Columbia, Virginia, Maryland, West Virginia, Pennsylvania, and in federal courts nationwide.
- Represent persons charged with criminal offenses in state trial courts across Northern Virginia and in D.C. Superior Court.
- Represent persons convicted of crimes on direct appeal in Virginia Court of Appeals and Supreme Court of Virginia and in the DC Court of Appeals.
- Provide pre-charge representation to persons under investigation in white collar and other federal and local prosecutions.
- Provide counsel and advice to attorneys, judges, and other professionals in need of representation concerning professional malpractice, discipline, licensure, and ethics matters.
- Represent individual defendants in complex civil litigation in federal and state courts.
- Represent plaintiffs in civil rights and other civil justice legal matters in federal and state courts.
- Provide full direct representation and/or consulting services on cases involving DNA evidence and forensic science from brainstorming to direct trial representation. Services include case consultation, evaluation and assessment of DNA and other forensic evidence results, brainstorming case theories, assisting in finding and retaining expert witnesses, facilitating communication with expert witnesses, preparation for admissibility hearings and trial including cross-examination, and direct representation in hearings and trials.
- Conduct local, state, national, and international trainings on DNA and other forensic evidence, trial and courtroom skills, legal ethics, and capital defense representation.
- Represent persons charged with and facing the possibility of the death penalty in federal courts across the United States, after successfully trying and avoiding the death penalty in the last death-eligible capital murder in Virginia prior to 2021 repeal of the death penalty. Avoided death sentences for all clients.
  - Lead counsel of team that obtained unanimous life verdict sentence after 2 ½ month-long jury trial for client accused of capital murder for killing a police officer in performance of the officer's duties and for killing two persons within the same act or transaction (Comm. v. R.W.H., Prince William County, Virginia, Oct. 2018).
  - Learned counsel in representation of death-eligible client in MS-alleged RICO capital murder prosecution in federal court in Baltimore, in which representation obtained a sentence of a term of years in prison.
  - Learned counsel in representation of death-eligible client in MS-alleged serial murder and attempted murders RICO capital murder prosecution in federal court in Eastern District of Virginia, in which the death penalty was not authorized.
  - Learned counsel in representation of death-eligible client in gang-alleged RICO capital murder prosecution in federal court in Central District of Pennsylvania, in which the death penalty was not authorized.
  - Learned counsel in representation of death-eligible client in MS-alleged serial murder RICO capital murder prosecution in federal court in Eastern District of Virginia, in which the death penalty was not authorized and life sentence obtained.
  - Learned counsel in representation of death-eligible client in multiple murder, witness elimination prosecution in federal court in Northern District of West Virginia.

**Office of the Capital Defender for Northern Virginia**, Arlington/Tysons, VA (2009-2018)

*Capital Defender*



- Led and directed office of lawyers, investigators, mitigation specialists, and support staff in representing indigent persons charged with capital murder in Northern Virginia at the trial-level and direct appeal stages.
- Successfully avoided death sentences for all 17 clients represented by office under leadership.
- On appeal, vacated the death sentence of a client who had been represented by different counsel at his trial.
- Assisted in broad coalition's appeal for executive clemency of a seriously mentally person convicted of capital murder and facing an execution date.
- Addressed incarcerated clients' legal needs post-conviction.
- Worked collaboratively with, and provide consultation to, private bar attorneys representing persons charged with and/or convicted of capital murder at all trial stages of case
- Provided public education on issues related to capital punishment and criminal justice.

**Public Defender Service for the District of Columbia, Washington, DC (1997-2009)**

*Trial Chief (2007-2009)*

- Provided overall management of the 60-attorney Trial Division to ensure that every client, all court-appointed, was provide superior representation.
- Set and directed policy initiatives for the adult court and juvenile units of the Division.
- Coordinated training for the different practice groups in the Division.
- Directly supervised attorneys who handled homicide and sex abuse cases and provided overall supervision to every attorney, including supervisors, in the Division.
- Maintained regular contact with and consulted with counterparts at the Office of the United States Attorney and the Office of the Attorney General for the District of Columbia.
- Frequently communicated with leadership of the Superior Court for the District of Columbia about matters of shared interest.
- Represented PDS on various court committees, including coordination of 2007 Fugitive Safe Surrender Program, Superior Court Drug Court Committee, Superior Court Case Differential Management Committee, and Committee to Revise the Pattern Jury Instructions.
- Conducted a comprehensive assessment of PDS's Family Court, Juvenile Division. Made recommendations for "best practices" reform, and then effectuated those reforms.
- Directly represented indigent clients accused of serious felony charges; maintained an active caseload of complex criminal cases, frequently involving scientific evidence, at all times; tried approximately fifty cases in Superior Court.

*Special Counsel to the Director (2003-2007)*

- Served as member of senior management team of 230-employee federally funded independent legal agency and managed budget, personnel, and policy priorities of Offender Rehabilitation Division and Mental Health Division.
- Led organization in development of expertise in forensic evidence; directed group of attorneys specializing in forensic science, with particular emphasis on DNA evidence; had ultimate authority and responsibility regarding hiring of all expert witnesses; held budgetary authority and provided frequent individual case consultation; organized annual forensic science conference open to regional criminal justice community.
- Supervised and trained PDS attorneys, DC private bar attorneys, public defenders and court-appointed attorneys in other jurisdictions, law students, public and private forensic scientists, and other criminal justice professionals on all aspects of criminal defense, including trial practice and strategy, professionalism, ethics, forensic evidence, criminal procedure, and substantive criminal law.

*Supervising Attorney, Serious Felony Section, Trial Division (2002-03)*

*Staff Attorney, Trial Division (1997-02)*



**Office of the Appellate Defender, New York, NY (1995-97)**

*Staff Attorney*

- Wrote briefs and argued direct appeals on behalf of indigent persons before state appellate division.
- Submitted petitions for review of adverse appellate rulings to the New York Court of Appeals.
- Raised claims of federal constitutional violations in *habeas corpus* petitions and appeals in the Southern District of New York and the U.S. Court of Appeals for the Second Circuit.
- Supervised private firm attorneys handling *pro bono* direct appeals.
- Represented staff on Board of Directors.

**Arizona Capital Representation Project, Tempe, AZ (1994-95)**

*Staff Attorney*

- Assisted representation of inmates on direct appeal by drafting appellate briefs and consulting with appellate counsel and clients.
- Filed petitions for writs of *certiorari* to the U.S. Supreme Court.
- Litigated and consulted on state post-conviction and federal *habeas corpus* proceedings, crafting complex arguments related to criminal and constitutional law, *habeas corpus* law, and procedural default.
- Challenged state clemency statute in *mandamus* action.

**Hon. Frank M. Johnson, Jr., U.S. Court of Appeals for the 11th Circuit, Montgomery, AL (1993-94)**

*Law Clerk*

- Assisted federal appellate judge in preparing for oral argument, writing judicial opinions, and drafting speeches.

**Jenner & Block, Washington, DC (June-July 1993)**

*Summer Associate* – received offer of permanent employment

- Conducted legal research on effectiveness of trial counsel in Maryland capital case, in which the sentence was later vacated by the U.S. Supreme Court, see Wiggins v. Smith, 539 U.S. 510 (2003) (raising standards of representation for counsel at capital sentencing phase of case).
- Wrote legal memoranda on First Amendment cases before the U.S. Supreme Court.

**Alabama Capital Representation Resource Center (now Equal Justice Initiative), Montgomery, AL (August 1992)**

*Law Clerk*

- Wrote legal memoranda and investigated guilt/innocence and mitigation evidence and jury deliberations evidence for capital cases at direct appeal and post-conviction stages.
- Volunteered remotely, Fall Semester, 1992.

**Akin, Gump, Hauer & Feld, Washington, DC (June-July 1992)**

*Summer Associate* – received offer of permanent employment

- Conducted legal research into variety of civil and corporate law matters.

**National Housing Law Project, Washington, DC (June-Aug. 1991)**

*Law Clerk*

- Helped initiate welfare rights class action lawsuit. Drafted manual on homelessness law.

**TEACHING AND CLINICAL POSITIONS**

Visiting Faculty, Winter Trial Advocacy Workshop, Harvard Law School (2008-present)

Faculty Member, National College of Capital Voir Dire, National Capital Voir Dire Training Program, University of Colorado School of Law, Boulder, CO (2014-present)

Supervising Attorney, Criminal Division, DC Law Students in Court, Washington, DC (Dec. 2018-June 2019) (academic clinical instruction of law students appearing in DC Superior Court)

Adjunct Professor, "Death Penalty & Mitigation," Marymount University, Department of Forensic and Legal Psychology, Graduate Level (Fall 2013 through Fall 2017) (with Sam Dworkin)

Adjunct Professor of Law, Arizona State University College of Law, Tempe, AZ (1994-95)

#### **LECTURES AND PRESENTATIONS**

"Veterans, Mental Illness, and Criminal Defense," Webinar, Illinois State Bar Association (Oct. 2022)

"Defending the Capital Case," Arlington County Public Defender (July 2022) (with Vivian Hernandez)

"Defending the Capital Case," Public Defender Service for the District of Columbia, (June 2022) (with Vivian Hernandez)

"Veterans, Mental Illness, and Criminal Defense," Arkansas Association of Criminal Defense Lawyers, Little Rock, AK (June 2022)

"Defending the Capital Case," Washington College of Law, American University, (Apr. 2022) (with Vivian Hernandez)

"Defending the Capital Case," Carey School of Law, University of Maryland, (Apr. 2022) (with Vivian Hernandez)

"Webinar on Criminal Justice Reform," Schar School Gender and Policy Center, George Mason University (Dec. 2021) (with Jennifer Carroll Foy, Bonnie Stabile, Bonnie Hoffman, Claire Gastanaga, & Faye Taxman)

"Litigating for Resources for Capital Defense Attorneys," Webinar, 2021 Fall Capital Training, Advancing Real Change (Nov. 2021 (with Alexandra Becnel)

"Defending the Capital Case," Public Interest Seminar, George Washington University School of Law, (Nov. 2021) (with Vivian Hernandez)

"Defending the Capital Case," Criminal Defense Clinic, Columbus School of Law, Catholic University, (Oct. 2021) (with Vivian Hernandez)

"Defending the Capital Case," Capital Punishment in Virginia Seminar (Professor Craig Lerner), Antonin Scalia School of Law, George Mason University (Aug. 2021) (with Vivian Hernandez)

"Virginia's Path to Abolition," Webinar, 2021 Webinar Series, Advancing Real Change (June 2021) (with Matthew Engle & Jenny Givens)

"Defending the Capital Case," Arlington County Public Defender, (June 2021) (with Vivian Hernandez)

"Invisible Wounds: Representing Active-Duty Military and Veterans," Webinar, Mental Illness & the Law: Addressing and Litigating Behavioral Health Disorders in Criminal Cases, National Association of Criminal Defense Lawyers (Feb. 2021)

"Closing Argument," Trial Advocacy Training Program, Webinar, Washington Council of Lawyers (Dec.

2020)

“Direct Examination,” Trial Advocacy Training Program, Webinar, Washington Council of Lawyers (Dec. 2020)

“Cross-Cultural Representation,” Webinar, U.S. District of Maryland Criminal Justice Act Panel Training Program (Nov. 2020) (with Kristina Leslie & Kevin Jones)

“Veterans, Race, and the Death Penalty,” Webinar, Death Penalty Information Center, (Nov. 2020) (with Ngozi Ndulue & Jennifer Taylor)

“Mental Health Evidence in Veterans’ Capital Case,” Webinar, Death Penalty Information Center, (Nov. 2020) (with Jerid M. Fisher, Ph.D., Victoria Reynolds, Ph.D., Stephen N. Xenakis, M.D., & Robert Dunham)

“Key Role of Capital Defense Attorneys in the Abolition Movement,” Webinar, Virginians for Alternatives to the Death Penalty (June 2020) (with Henderson Hill, Kristina Leslie, & Jerry Zerkin)

“Developing a Cohesive Strategy,” Providing Effective Representation in Capital Cases, University of Texas School of Law (Mar. 2020)

Visiting Faculty, Winter Trial Advocacy Workshop, Harvard Law School, Cambridge MA (Jan. 2020)

“Criminal Legal System in Virginia,” Superior Court Trial Lawyers Association, DC Superior Court, Washington, DC (Dec. 2019)

“Effective Cross-Examination,” Public Defender for the District of Columbia, Washington, DC (Dec. 2019)

“Foreign Nationals and the US Capital Defense System,” Embassy of Canada, Washington, DC (2019) (with Rob Dunham and others)

“Public and Capital Defense – A Career Path,” Wesleyan University, Middletown, CT (Oct. 2019)

“Lessons from the Trial of a Capital Murder Case,” Wesleyan University, Middletown, CT (Oct. 2019)

“Lessons from the Trial of a Capital Murder Case,” Yale Law School, New Haven, CT (Oct. 2019)

“Criminal Defense in the United States,” American Bar Association Rule of Law Initiative, Washington, DC (Sept. 2019) (presentation to Mexican law students and faculty)

“Lessons from the Trial of a Capital Murder Case,” Arlington County Public Defender Office, Arlington, VA (July 2019)

“Lessons from the Trial of a Capital Murder Case,” Northern Virginia Capital Defender Office, Tysons, VA (July 2019)

“The (Affirmative) Use of Experts,” Capital Certification Seminar, Virginia Indigent Defense Commission, Richmond, VA (June 2019)

“Don’t Box Me In: Additional Paths to Defense,” New Law Clerk Training, Public Defender Service for DC, Washington, DC (June 2019)

Faculty Member, National College of Capital Voir Dire, University of Colorado School of Law, Boulder,



CO (May 2019)

“The Capital Defense Team: Roles and Responsibilities,” National Defense Investigators Association 2019 National Conference, San Diego, CA (Apr. 2019)

“Investigating and Presenting Evidence of Military Experience,” National Defense Investigators Association 2019 National Conference, San Diego, CA (Apr. 2019)

“Cross-Examining a Forensic Scientist,” 2019 CACJ/CPDS Capital Case Defense Seminar, Monterey, CA (Feb. 2019) (with Jennifer Friedman)

“Investigating and Presenting Evidence of Military Experience,” 2019 CACJ/CPDS Capital Case Defense Seminar, Monterey, CA (Feb. 2019) (with Jude Litzenberger)

Visiting Faculty, Winter Trial Advocacy Workshop, Harvard Law School, Cambridge MA (Jan. 2019)

“Effective Capital Jury Selection: An Introduction to the Morgan Method,” 2018 UACDL Capital Seminar, Utah Association of Criminal Defense Lawyers, Salt Lake City, UT (Nov. 2018)

Faculty Member, National College of Capital Voir Dire, University of Colorado School of Law, Boulder, CO (May 2018)

Panel Discussant, The Exonerated, Georgetown Preparatory School, Rockville, MD (May 2018) (with Shawn Armbrust, Stephanie Joseph, Elizabeth Mullin)

“Moral and Ethical Challenges in Public Defense,” Fairleigh Dickenson University, Skyped presentation to undergraduate constitutional law class, Madison, NJ (Mar. 2018) (with Jeff Stein)

“Finding Humanity,” Keynote Address, Marymount University Forensic and Legal Psychology Program’s 16<sup>th</sup> Annual Appreciation Dinner, Arlington, VA (Mar. 2018)

“Working with Mental Health Experts,” Advancing Real Change, Best Practices of Developing Persuasive Mitigation, University of Maryland School of Law, Baltimore, MD (Feb. 2018) (with Dr. Joette James).

“Using Experts Ethically,” 2018 Advanced Criminal Law Seminar, National Association of Criminal Defense Lawyers, Aspen, CO (Jan. 2018)

“Topics Related to the Death Penalty,” Psychology Program, Georgetown University (Nov. 2017) (with Dr. Jennifer Woolard, Hon. Will Jarvis, and Barry Zweig).

Using Social Media and Internet-Based Resources for Investigation, Mitigation, and Jury Selection, 25<sup>th</sup> Annual Capital Defense Workshop, Virginia Bar Association, Richmond, VA (Nov. 2017) (with Chris Pipe).

“Practical Steps to Avoid Death Penalty of Canadian Citizens in the US,” Capital Punishment Seminar, US Consular and Emergency Management Network, Embassy of Canada, Washington, DC (Sept. 2017)

Panelist, Death Penalty & Criminal Law, Washington Council of Lawyers, George Washington Law School, Washington, DC (July 2017) (with Heather Pinckney, Vincent Cohen, & Bridgette Stumpf)

“The U.S. Death Penalty and Citizens of Other Nations,” The Consular Corps of Washington, DC, Washington, DC (May 2017)

Faculty Member, National College of Capital Voir Dire, University of Colorado School of Law, Boulder, CO (May 2017)

“Building and Maintaining a Successful Capital Defense Team,” 2017 NDIA National Seminar, National Defense Investigators Association, Fort Lauderdale, FL (Apr. 2017) (with Sarah Gannett)

Panelist, Death Penalty Panel Discussion, 2017 NDIA National Seminar, National Defense Investigators Association, Fort Lauderdale, FL (Apr. 2017) (with Hon. Rick Libman, Elisa Quesada, Dr. Heather Holmes, Sarah Gannett, Gary Griffin, Earl Truvia, and Seth Penalver)

Plenary Address, “Why We Take These Cases and These Clients,” Texas Capital Defense College, Center for American and International Law, Plano, TX (Apr. 2017)

“Ethics and Forensics,” 2017 CACJ/CPDA Capital Case Defense Seminar, San Diego, CA (Feb. 2017)

“Cross-Examination of the Prosecution Expert Witness,” 2017 CACJ/CPDA Capital Case Defense Seminar, San Diego, CA (Feb. 2017) (with Jennifer Friedman)

“Trying a DNA Case,” 2016 UACDL Capital Seminar, Utah Association of Criminal Defense Lawyers, Salt Lake City, UT (Nov. 2016)

“Uncharged Evidence, Severance, and Joinder,” New Class Attorney Training, Public Defender Service for the District of Columbia, Washington, DC (Oct. 2016)

“Trying a DNA Case,” Travis County (TX) Issues in Forensic Science Seminar, Austin, TX (Sept. 2016)

“So You Want to Be a Trial-Level Death Penalty Defense Attorney,” Summer Law Clerk Training, Public Defender Service for the District of Columbia, Washington, DC (July 2016)

“Defending a Capital Case in Virginia,” The Death Penalty, American University, Washington, DC (July 2016)

“Tool Mark Pattern Evidence – Model Closing Argument,” NACDL-Cardozo Law National Forensic College, Benjamin N. Cardozo School of Law, New York, NY (June 2016)

“Trying a DNA Case,” Making Sense of Science IX: Forensic Science & the Law, NACDL’s 2016 Spring Meeting & Seminar, Las Vegas, NV (May 2016)

Faculty Member, National College of Capital Voir Dire, National Capital Voir Dire Training Program, University of Colorado School of Law, Boulder, CO (May 2016)

Panelist, “Getting Uncomfortable: Talking about Race and the Criminal Justice System,” Marymount University, Arlington, VA (Apr. 2016)

“Future Dangerousness Determinations in Death Penalty Cases,” Forensic Psychology and the Legal System, George Washington University Graduate Program in Forensic Psychology, Alexandria, VA (Apr. 2016)

“Defending a Capital Case in Virginia,” The Death Penalty, American University, Washington, DC (July 2016)

“Remarks on History of Death Penalty in Virginia,” Virginians for Alternatives to the Death Penalty, Fairfax, VA (Jan. 2016)



“Uncharged Evidence, Severance, and Joinder,” New Class Attorney Training, Public Defender Service for the District of Columbia, Washington, DC (Jan. 2016)

Visiting Faculty, Winter Trial Advocacy Workshop, Harvard Law School, Cambridge MA (Jan. 2016)

“Transparency in the Laboratory, Transparency in the Courtroom,” Advanced Topics for Human Identification & Data Interpretation, The Center for Forensic Science Research & Education, Chemical Heritage Foundation, Philadelphia, PA (Dec. 2015)

“Post-*Hall* Intellectual Disabilities Litigation,” 23<sup>rd</sup> Annual Capital Defense Workshop, Virginia Bar Association, Richmond, VA (Nov. 2015) (with Joette James, Ph.D.)

“Ethical Use of (Mental Health) Experts,” 23<sup>rd</sup> Annual Capital Defense Workshop, Virginia Bar Association, Richmond, VA (Nov. 2015) (with Bill Stejskal, Ph.D.)

“Using Forensics Litigation to Get to Resolution,” 23<sup>rd</sup> Annual Federal Death Penalty Strategy Session, Federal Death Penalty Resource Counsel, Fort Lauderdale, FL (Oct. 2015)

“Challenging Aggravation,” 23<sup>rd</sup> Annual Federal Death Penalty Strategy Session, Federal Death Penalty Resource Counsel, Fort Lauderdale, FL (Oct. 2015) (with Paresh Patel)

“Uncharged Evidence, Severance, and Joinder,” New Class Attorney Training, Public Defender Service for the District of Columbia, Washington, DC (Oct. 2015)

“Mitigation Investigation,” Virginia Capital Trial Certification Seminar, Virginia Indigent Defense Commission, University of Virginia, Charlottesville, VA (June 2015) (with Sam Dworkin)

“Use of Experts and Addressing Scientific Evidence,” Virginia Capital Trial Certification Seminar, Virginia Indigent Defense Commission, University of Virginia, Charlottesville, VA (June 2015) (with Elizabeth Mullin)

Faculty Member, Colorado Method of Capital Voir Dire Training: Theory and Intensive Practice, Arizona Public Defender Association, Tempe, AZ (June 2015)

“Expert Testimony,” Office of the Federal Defender, Las Vegas, NV (June 2015)

Faculty Member, National College of Capital Voir Dire, National Capital Voir Dire Training Program, University of Colorado School of Law, Boulder, CO (May 2015)

Career Day, Eastern Senior High School, Washington, DC (May 2015)

Panelist, Roundtable Discussion about *The Exonerated*, Marymount University, Arlington, VA (Mar. 2015)

“Defending a Capital Case in Virginia,” The Death Penalty, American University, Washington, DC (Mar. 2015) (with Elizabeth Mullin)

“DNA: A Primer,” 4<sup>th</sup> Annual Indigent Defense CLE, Texas Southern University Thurgood Marshall School of Law, Houston, TX (Feb. 2015)

Visiting Faculty, Winter Trial Advocacy Workshop, Harvard Law School, Cambridge MA (Jan. 2015)

“Trying a DNA Case,” Capital Defense Workshop, Virginia State Bar Association, Richmond, VA (Nov.



2014)

Faculty Member, Capital Jury Selection, Virginia Indigent Defense Commission, Richmond, VA (Nov. 2014) (with Douglas Ramseur)

"May We Live to See the Harvest," The Penalty Launch Party, Busboys & Poets, Washington, DC (Nov. 2014)

"Closing Arguments," New Class Attorney Training, Public Defender Service for the District of Columbia, Washington, DC (Oct. 2014)

Moderator, Making the Case for Life, National Association of Criminal Defense Lawyers, Charlotte, NC (Oct. 2014)

"Building & Maintaining the Defense Team for Life," Making the Case for Life, National Association of Criminal Defense Lawyers, Charlotte, NC (Oct. 2014)

"Case Studies in Creative Sentencing: Individualizing the Guidelines," 50<sup>th</sup> Annual Deborah T. Creek Criminal Practice Institute, Public Defender Service for the District of Columbia, Washington, DC (Sept. 2014) (with Tammy Krause)

"Forensic Litigation to Control the Pace of the Case," Capital Training Seminar, Federal Defender Service of Idaho Capital Habeas Unit, Boise, ID (Sept. 2014)

Keynote Address – "We Can, Because We Must," Forensic Science Conference, Public Defender Service for the District of Columbia, Washington, DC (June 2014)

Faculty Member, National College of Capital Voir Dire, National Capital Voir Dire Training Program, University of Colorado School of Law, Boulder, CO (May 2014)

Career Day, Eastern Senior High School, Washington, DC (May 2014)

"Defending a Capital Case in Virginia," The Death Penalty, American University, Washington, DC (Mar. 2014)

Investigating Crime Labs, 2014 CACJ/CPDA Capital Case Defense Seminar, Monterey, CA (Feb. 2014) (with Darby Williams)

Plenary, Forensics – New Science Issues, 2014 CACJ/CPDA Capital Case Defense Seminar, Monterey, CA (Feb. 2014) (with Barry Scheck)

Visiting Faculty, Winter Trial Advocacy Workshop, Harvard Law School, Cambridge MA (Jan. 2014)

"Forensic Litigation in Capital Cases," The Death Penalty in Arkansas: Strategies for the Defense XIII, Arkansas Association of Criminal Defense Lawyers, Fayetteville, AR (Nov. 2013)

"Use of Exhibits," New Attorney Training, Public Defender Service for the District of Columbia, Washington, DC (Nov. 2013)

"Forensic Approaches in Capital Litigation," Capital Case Litigation Training Conference, Office of the Public Defender of the State of Delaware, Wilmington, DE (Oct. 2013)

Moderator, Making the Case for Life, National Association of Criminal Defense Lawyers, Las Vegas, NV

(Aug. 2013)

“Forensic Litigation in Capital Cases,” National Association of Criminal Defense Lawyers, Las Vegas, NV (Aug. 2013)

Faculty Member, NACDL’s Capital Voir Dire Training: Theory & Intense Practice, University of Colorado School of Law, Boulder, CO (May 2013)

“DNA for Thai Criminal Defense Lawyers,” United States State Department, Thailand (Mar.-Apr. 2013) (series of lectures in three separate locations in Thailand over course of several days) (with Jennifer Friedman)

“Forensic Litigation to Control the Pace of the Case,” Capital Defense Workshop, Virginia State Bar Association, Richmond, VA (Nov. 2012) (with Jennifer Friedman)

“Mitigation Investigation in Foreign Countries,” Making the Case for Life Death Penalty Seminar XIV, Southern Center for Human Rights, Atlanta, GA (Sept. 2012)

Faculty Member, Colorado Method of Capital Voir Dire Training: Theory and Intensive Practice, Arizona Public Defender Association, Tempe, AZ (June 2012)

“Dealing with Aggravation and Victim Impact,” 2012 Oklahoma Capital Defense Training Conference, Oklahoma Indigent Defense System, Oklahoma City, OK (May 2012)

Faculty Member, Death Penalty Institute, Kentucky Department of Public Advocacy, Lexington, KY (Mar. 2012)

“Death Penalty Practice in Virginia,” American University, Washington, DC (Mar. 2012)

“Aggravating Evidence,” 2012 Capital Case Defense Seminar, CACJ/CPDA, Monterey, CA (Feb. 2012) (with Michael Ogul)

“Forensics Overview – National Academy of Sciences Report Follow-Up,” 2012 Capital Case Defense Seminar, CACJ/CPDA, Monterey, CA (Feb. 2012) (with Barry Scheck)

“Introduction to Forensic DNA from Perspective of Innocence,” University of Virginia School of Law, Charlottesville, VA (Jan. 2012)

Visiting Faculty, Winter Trial Advocacy Workshop, Harvard Law School, Cambridge, MA (Jan. 2012)

“Nuts & Bolts of *Brady*: How and When to Make Your Requests,” Criminal Procedure Institute, Public Defender Service for District of Columbia, Washington, DC (Nov. 2011)

“Challenging DNA Evidence,” 2011 Annual Criminal Defense Conference, Office of the Wisconsin Public Defender, Milwaukee, WI (Nov. 2011)

“Opening Statements,” New Class Attorney Training, Public Defender Service for the District of Columbia, Washington, DC (Oct. 2011)

“Model DNA Cross-Examination (Cold Hit),” Forensic Science Training Conference, Los Angeles County Public Defender, Los Angeles, CA (Sept. 2011) (with Dr. Bill Thompson)

“Pretrial Presentation of DNA,” The Legal Aid Society DNA College, New York, NY (Apr. 2011)

“DNA 101,” The Legal Aid Society DNA College, New York, NY (Apr. 2011)

Faculty Member, The Legal Aid Society DNA College, New York, NY (Apr. 2011)

“Forensic Case Review and the NAS Report,” Death Penalty Institute, Kentucky Department of Public Advocacy, Erlanger, KY (Apr. 2011)

“Using the NAS Report on Forensic Science to Obtain a Life Sentence,” Death Penalty Institute, Kentucky Department of Public Advocacy, Erlanger, KY (Apr. 2011)

Faculty Member, Death Penalty Institute, Kentucky Department of Public Advocacy, Erlanger, KY (Apr. 2011)

“The NAS Report on Forensic Science: What you Need to Know and How to Use It,” Defending Illinois Death Penalty Cases – Fall 2010 Seminar, Office of the State Appellate Defender, Capital Trial Assistance Unit, Collinsville, IL (Oct. 2010)

“The NAS Report on Forensic Science: What you Need to Know and How to Use It,” Seventh National Seminar on Forensic Evidence and the Criminal Law, Habeas Assistance and Training Counsel and Administrative Office of the U.S. Courts, Office of Defender Services Training Branch, Cleveland, OH (Aug. 2010)

Faculty Member, Southern Public Defender Training Center, Class of 2010 Training, Birmingham, AL (Aug. 2010)

“Electronic Discovery Issues for State and Federal Capital Litigators,” 31<sup>st</sup> Annual Capital Punishment Training Conference, NAACP Legal Defense & Educational Fund, Inc., Warrenton, VA (July 2010) (with Jim Wyda)

“Preparing for Opposing Experts,” 8<sup>th</sup> Annual Forensic Science Conference, Public Defender Service for the District of Columbia, Washington, DC (June 2010) (with Dr. Mark Cunningham)

“What Are the Implications of the NAS Report for Forensic DNA,” 11<sup>th</sup> Canadian Symposium on DNA Forensic Evidence, Osgoode Hall Law School, York University, Toronto, ON (Mar. 2010)

“What Are the Implications of the NAS Report for Forensic DNA,” Forensic Science Training: Using the National Academy of Science Report in Litigation, LA County Public Defender, Los Angeles, CA (Mar. 2010)

“Using Technology to Tell Your Story,” Life in the Balance: A Capital Training Program, National Legal Aid & Defender Association, Nashville, TN (Mar. 2010) (with Shawna Geiger)

“We’re Not Just Criminal Defense Lawyers: The Emotional and Motivational Underpinnings of Capital Defense Representation,” Life in the Balance: A Capital Training Program, National Legal Aid & Defender Association, Nashville, TN (Mar. 2010) (with David Lane)

“The National Academy of Science Report on Forensic Science: What Does It Mean to You?,” Life in the Balance: A Capital Training Program, National Legal Aid & Defender Association, Nashville, TN (Mar. 2010)

“Institutionalizing Forensic Knowledge for Lawyers – How Public Defender Agencies Build Forensic Knowledge,” American Academy of Forensic Sciences 62<sup>nd</sup> Annual Scientific Meeting, Seattle, WA



(Feb. 2010)

“NACDL Task Force on the Future of Forensic Evidence: An Update,” Interdisciplinary Symposium, American Academy of Forensic Sciences 62<sup>nd</sup> Annual Scientific Meeting, Seattle, WA (Feb. 2010)

“DNA: Pretrial Investigation and Defense,” National Symposium on Indigent Defense: Looking Back, Looking Forward, 2000-2010, US Department of Justice, Washington, DC (Oct. 2009)

“Suppression Hearings and the Fifth Amendment,” Criminal Justice Clinic, Georgetown University Law Center, Washington, DC (Oct. 2009)

“New Developments in Mississippi DNA Law and Related Practice Tips,” Mississippi Public Defenders Conference – Fall 2009, Mississippi Office of Indigent Appeals, Division of Public Defender Training, Biloxi, MS (Oct. 2009)

“DNA 102 – Using It in Practice: From Theory to Jury Presentation,” Mississippi Public Defenders Conference – Fall 2009, Mississippi Office of Indigent Appeals, Division of Public Defender Training, Biloxi, MS (Oct. 2009)

Visiting Faculty, Fall Trial Advocacy Workshop, Harvard Law School, Cambridge, MA (Sept. 2009)

“Data Sharing in Forensic Science and the Impact on the Legal System,” 2009 Joint Statistical Meetings, Washington, DC (Aug. 2009)

“Becoming and Being a Public Defender,” Public Interest Law Seminar, George Washington School of Law, Washington, DC (June 2009)

“BREAKOUT – Openings/Closings,” Litigation Skills Training, Washington Council of Lawyers, Washington, DC (May 2009)

“Essential Trial Skills: Jury Selection,” Continuing Legal Education Program, DC Bar, Washington, DC (Feb. 2009)

“Crime Scene and Laboratory Investigation,” Capital Case Defense Seminar, California Attorneys for Criminal Justice, Monterey, CA (Feb. 2009)

“Use and Misuse of Expert Opinion Testimony in Jury Trials,” Continuing Legal Education Program, DC Bar, Washington, DC (Dec. 2008)

“Hiring, Developing and Retaining Quality Defenders in Today’s Challenging Environment,” NLADA 2008 Annual Conference, Washington, DC (Nov. 2008)

“What to Do When You Have DNA Evidence in Your Case,” Forensic Science: The Cutting Edge in Capital Cases, PACDL, Harrisburg, PA (Oct. 2008)

“Being a Public Defender,” Yale Law School, New Haven, CT (Sept. 2008)

Faculty Member, Southern Public Defender Training Center, Class of 2008 Training, Birmingham, AL (Aug. 2008)

“It’s DNA, Not a Death Knell: Strategies for Challenging DNA in Court,” 2008 Ohio Juvenile Defender Leadership Summit, Children’s Law Center, Dayton, OH (May 2008)

- "Criminal Law in Practice: The Public Defender," Washington & Lee School of Law, Lexington, VA (March 2008)
- "The Criminal Justice System from the Perspective of a Public Defender," Fairleigh Dickinson University, Morristown, NJ (March 2008)
- "Essential Trial Skills: Jury Selection," Continuing Legal Education Program, DC Bar, Washington, DC (Feb. 2008)
- "DNA Evidence at Trial," Scientific Evidence Symposium, Legal Aid of New York, Brooklyn, NY (Jan. 2008)
- "The Use and Misuse of Expert Testimony in Jury Trials," Continuing Legal Education Program, DC Bar, Washington, DC (Dec. 2007)
- "It's DNA, Not a Death Knell: Strategies for Challenging DNA in Court," 11<sup>th</sup> Annual Juvenile Defender Leadership Summit, National Juvenile Defender Center, Portland, OR (Oct. 2007)
- "CSI Portland: Using Forensic Evidence in Juvenile Defense," 11<sup>th</sup> Annual Juvenile Defender Leadership Summit, National Juvenile Defender Center, Portland, OR (Oct. 2007)
- "Briefing on Children in the Juvenile and Criminal Justice Systems in Washington, DC," Children's Defense Fund, Washington, DC (Sept. 2007)
- "Expert Testimony in the Courtroom," Fifth Annual Forensic Science Conference, Arnold & Porter, LLP, Washington, DC (June 2007)
- "The Juvenile Confession," 12<sup>th</sup> Annual Juvenile Law and Education Conference, University of Richmond School of Law, Richmond, VA (June 2007)
- "DNA in the Courtroom from the Perspective of a Defense Attorney," 2007 Mid-Atlantic Association of Forensic Scientists Annual Meeting, Washington, DC (May 2007)
- "Demonstrative Evidence on Cross-Examination: Use of Treatises, Manuals, Protocols, Audit Reports, Etc.," Science in the Courtroom for the 21<sup>st</sup> Century: Issues in Forensic DNA, Law Office of the Cook County Public Defender, Chicago, IL (April 2007)
- "Building a Defense Team in Complex Forensic Cases," Science in the Courtroom for the 21<sup>st</sup> Century: Issues in Forensic DNA, Law Office of the Cook County Public Defender, Chicago, IL (April 2007)
- "Essential Trial Skills: Jury Selection," Continuing Legal Education Program, DC Bar, Washington, DC (Feb. 2007)
- "Attacking Forensic Evidence," Fourth National Seminar on Forensic Evidence and the Criminal Law, Habeas Assistance and Training Counsel and Administrative Office of the U.S. Courts, Office of Defender Services Training Branch, New Orleans, LA (Jan. 2007)
- "How to Handle a Cold Hit Case," Winter Workshops, Missouri State Public Defender – Training Division, St. Louis, MO (Dec. 2006)
- "Cross-Examination in a DNA Case," Winter Workshops, Missouri State Public Defender – Training Division, St. Louis, MO (Dec. 2006)

- "The Use and Misuse of Expert Testimony in Jury Trials," Continuing Legal Education Program, DC Bar, Washington, DC (Dec. 2006)
- "Evaluating Forensic DNA Evidence," 2006 CJA Training Seminar, Federal Defenders Middle District of Alabama, Montgomery, AL (Nov. 2006)
- "Expert Witnesses at Trial," 2006 New Attorney Training, Public Defender Service for the District of Columbia, Washington, DC (Oct. 2006)
- "Wrongful Convictions – Unreliable Forensic Evidence Paving the Way for a Guilty Verdict," Annual Symposium – The CSI Effect: The True Effect of Crime Scene Television on the Justice System, New England School of Law, Boston, MA (Oct. 2006)
- "Suppression Hearings Under the Fourth Amendment," Criminal Justice Clinic, Georgetown University Law Center, Washington, DC (Oct. 2006)
- "Evaluating the Forensic Evidence: Proper Evidence Collection and Testing," Northeast Regional Conference, National Defender Investigator Association, Washington, DC (Sept. 2006)
- "How to Think About the Investigation and Prosecution of Serious Criminal Cases from the Perspective of the Falsely Accused," Courtroom Procedures, Alcohol, Tobacco, & Firearms National Laboratory Center, Ammendale, MD (Sept. 2006)
- "Investigating and Litigating DNA Claims," Complex Litigation Seminar, Administrative Office of the U.S. Courts, Office of Defender Services Training Branch, Atlanta, GA (Sept. 2006)
- Faculty Member, Georgia Public Defender Standards Council Honors Class Training, Vidalia, GA (Sept. 2006)
- "Investigating and Litigating DNA Claims," Bi-Annual Death Penalty Defense Seminar, Office of the Georgia Capital Defender, Atlanta, GA (July 2006)
- "Preparing Experts," Fourth Annual Forensic Science Conference: Litigating Eyewitness Identification Cases, Innocence Project, National Association of Criminal Defense Lawyers, and Public Defender Service for the District of Columbia, Washington, DC (June 2006)
- "Cold Hit Litigation and New Developments," Science in the Courtroom for the 21<sup>st</sup> Century: Issues in Forensic DNA, DePaul School of Law, Chicago, IL (May 2006)
- "Litigating Frye Hearings: General Considerations," Science in the Courtroom for the 21<sup>st</sup> Century: Issues in Forensic DNA, Office of the Cook County Public Defender, Chicago, IL (May 2006)
- "Expert Witnesses at Trial," 2005 New Attorney Training, Public Defender Service for the District of Columbia, Washington, DC (Oct. 2005)
- "Professionalism: Dealing with Expert Witnesses Offensively and Defensively," Forensic Science Conference, Georgia Public Defender Standards Council, Atlanta, GA (Nov. 2005)
- "The Expert Witness at Trial," Annual Course in Courtroom Procedures, Alcohol, Tobacco, & Firearms National Laboratory Center, Ammendale, MD (Sept. 2005)
- "Model Cross-Examination," Third Annual Forensic Science Conference: DNA Cross-Examination College, Washington, DC (Sept. 2005)



“Communicating DNA to Jurors from a Defense Attorney’s Point of View,” The Science of DNA Profiling: A National Expert Forum, Dayton, OH (Aug. 2005)

“Cold Hit Statistics: United States v. Jenkins,” The Science of DNA Profiling: A National Expert Forum, Dayton, OH (Aug. 2005)

“Experts and Science in the Courtroom,” Georgia Public Defender Standards Council, Atlanta, GA (June 2005)

“Update on Frye Litigation in the District of Columbia,” Science in the Courtroom for the 21<sup>st</sup> Century: Issues in Forensic DNA, Office of the Cook County Public Defender, Chicago, IL (May 2005)

“The Evidentiary Value of Mitochondrial DNA Evidence,” Sixth International Conference on Forensic Statistics, Center for Law, Science, and Technology, Arizona State University College of Law, Tempe, AZ (Mar. 2005)

“Criminal Justice in DC Superior Court,” The Sidwell Friends Courts and Criminals Minimester, Washington, DC (Mar. 2005)

“National Strategies to Reform Forensic Science Evidence,” CSI-Style Defense, Technology & Criminal Litigation, Midwinter Meeting and Seminar, National Association of Criminal Defense Lawyers (Feb. 2005)

Faculty Member, Georgia Public Defender Standards Council New Attorney Training, Jekyll Island, GA (Jan. 2005)

“Stepping Up to the Challenge: Successfully Attacking Forensic Mitochondrial DNA Evidence in the Face of Increased Law Enforcement Resources,” National Legal Aid & Defender Association Annual Conference, Washington, DC (Dec. 2004)

“Litigating Fifth and Sixth Amendment Issues,” 2004 New Attorney Training, Public Defender Service for the District of Columbia, Washington, DC (Oct. 2004)

“Identification, Selection, and Preparation of Defense Expert Witnesses,” PDS Summer Series for Court-Appointed Attorneys, Washington, DC (June 2004)

“Indigent Defense in an Era of Forensic Science: Implementing the Innocence Project’s Lessons on the Ground,” Rebellious Lawyering Conference, Yale Law School, New Haven, CT (Feb. 2004)

“Advanced Trial Techniques: Putting Police Interrogators on Trial,” Criminal Practice Institute, Howard University School of Law, Washington, DC (Nov. 2003)

“Criminal Cases in the DC Courts from A to Z,” Legal Aid Society for the District of Columbia, Washington, DC (Nov. 2003)

“Creating Stronger Collaborations with Defender Leaders,” Juvenile Defender Leadership Summit, Baltimore, MD (Oct. 2003)

“Litigating DNA Cases at Trial,” Office of the Cook County Public Defender, Chicago, IL (May 2003)

“The Prosecution of Rape Cases,” George Washington Law School, Washington, DC (Jan. 2003)

“Interrogation Under Miranda,” University of Idaho School of Law, Moscow, ID (Nov. 2002)

“No Holds Barred,” DC Pretrial Services Agency, Washington, DC (Dec. 2001)

“Character Evidence: Presenting It and Attacking It,” PDS Summer Series for Court-Appointed Attorneys, Washington, DC (June 2001) (moderator)

“The Execution of Timothy McVeigh,” Fairleigh Dickinson University, Madison, NJ (Apr. 2001)

“Ballistics Evidence,” Criminal Practice Institute, Gallaudet University, Washington, DC (Nov. 2000) (moderator)

“Suppression of Statements,” New Attorney Training, Public Defender Service for the District of Columbia, Washington, DC (Oct. 1999)

“The Clemency Process,” Tennessee Capital Defense Training Seminar, Nashville, TN (1997)

Lecturer on Poverty, Criminal Justice, and Capital Punishment Issues, Wesleyan University, Middletown, CT (1995-96)

#### **CONTINUING LEGAL EDUCATION**

2022 Leroy Rountree Hassell, Sr., Indigent Criminal Defense Seminar, Virginia State Bar, Richmond, VA (May 2022)

Frank Dunham Federal Criminal Defense Conference, Office of the Federal Public Defender, Charlottesville, VA (Apr. 2022)

Court of Appeals CLE, Webinar, Fairfax Bar Association (Mar. 2022)

2021 FDPDPCP Federal Death Penalty Strategy Session, Webinar, Federal Death Penalty Resource Counsel Project (Nov. 2021)

CJA Use of Experts and eVouchers in the Fourth Circuit, Webinar, Larry Dash, CJA Budgeting Attorney, U.S. Court of Appeals for the Fourth Circuit (Sept. 2021)

“Avoiding Errors in Assignment of Errors,” Virginia Indigent Defense Commission (June 2021)

“Nuts and Bolts and Ethics of Criminal Appeals: A Practical Guide to Criminal Appeals in the Virginia Appellate Courts,” Webinar, Virginia CLE (Apr. 2021)

“Protestor Protection Training I,” Webinar, Lawyers Committee for Civil Rights Under the Law (Aug. 2020)

“Understanding the 2019/2020 DCDFS Criminal Investigation and Its Fallout,” Webinar, Public Defender Service for the District of Columbia (Aug. 2020)

“Protest Cases: Effective Litigation and Willing Trial Strategies,” Webinar, Public Defender Service for the District of Columbia (June 2020)

“Fourth Amendment Litigation Strategies: Recent Developments,” Webinar, Public Defender Service for the District of Columbia (June 2020)

“Representing Protestors in Criminal Court,” Webinar, National Lawyers Guild – DC (June 2020)

“Basic Cell Phone Forensics,” Webinar, Virginia Indigent Defense Commission (May 2020)

27th Annual Capital Defense Workshop, Virginia Bar Association, Richmond, VA (Nov. 2019)

Frank Dunham Federal Criminal Defense Conference, Office of the Federal Public Defender, Charlottesville, VA (Apr. 2019)

26th Annual Capital Defense Workshop, Virginia Bar Association, Richmond, VA (Nov. 2018)

Defending the White Collar Case: In & Out of Court, National Association of Criminal Defense Lawyers, Washington, DC (Nov. 2018)

LeRoy Roundtree Hassell, Sr., Indigent Criminal Defense Advanced Skills for the Experienced Practitioner, Supreme Court of Virginia & Virginia State Bar, Richmond, VA (May 2018)

Post-conviction Remedies in Virginia, Jon Sheldon, Virginia CLE, audioconference seminar (Jan. 2018)

Annual Public Defender Conference 2017, Virginia Indigent Defense Commission, Portsmouth, VA (Oct. 2017)

Third Annual Symposium on Race and Ethnicity for Defense Lawyers, Administrative Office of US Courts, Defender Services Office, New York, NY (Sept. 2017)

Mental Health Ethics 101 in the Criminal Justice System: A Primer for Handling Your Mentally Ill Client, Virginia CLE, Charlottesville, VA (May 2017)

24th Annual Capital Defense Workshop, Virginia Bar Association, Richmond, VA (Nov. 2016)

2016 Annual Public Defender Conference, Virginia Indigent Defense Commission, Hampton, VA (Oct. 2016)

21<sup>st</sup> Annual National Federal Habeas Corpus Seminar, Office of Defender Services, Washington, DC (Aug. 2016)

2015 Annual Public Defender Conference, Virginia Indigent Defense Commission, Hampton, VA (Oct. 2015)

Defenders in the Legal Academy – The PDS Experience, Public Defender Service for the District of Columbia, DC (Nov. 2014)

2014 Annual Public Defender Conference, Virginia Indigent Defense Commission, Hampton, VA (Sept. 2014)

21st Annual Capital Defense Workshop, Virginia Bar Association, Richmond, VA (Nov. 2013)

Bring Your Own Case Capital Case Workshop, Washington & Lee School of Law, Lexington, VA (Jan. 2013)

NACDL’s Capital Voir Dire Training: Theory & Intense Practice, University of Colorado School of Law, Boulder, CO (May 2012)



Capital Defense Mental Health Training III, National Consortium for Capital Defense Training, Cleveland, OH (June 2011)

Capital Investigator Training, Virginia Indigent Defense Commission, Richmond, VA (May 2011)

Capital Jury Selection Workshop, Washington & Lee School of Law, Lexington, VA (Nov. 2010)

18<sup>th</sup> Annual Capital Defense Workshop, Virginia Bar Association, Richmond, VA (Nov. 2010)

Capital Jury Selection Seminar and Workshop, Northern Virginia Capital Defender Office, Fairfax, VA (July 2010)

2010 Annual Public Defender Conference, Virginia Indigent Defense Commission, Virginia Beach, VA (May 2010)

17<sup>th</sup> Annual Capital Defense Workshop, Virginia Bar Association, Richmond, VA (Nov. 2009)

DNA Discovery from the Defense Perspective, Northern Virginia Capital Defender Office, Arlington, VA (Oct. 2009)

8<sup>th</sup> Annual Science of DNA Profiling: A National Expert Forum, Forensic Bioinformatics, Las Vegas, NV (Oct. 2009)

Science in the Courtroom for the 21<sup>st</sup> Century: Issues in Forensic DNA, Law Office of the Cook County Public Defender, Chicago, IL (May 2009)

18<sup>th</sup> Annual Law & All That Jazz CLE Seminar, Louisiana Association of Criminal Defense Lawyers, New Orleans, LA (April 2008)

The Washington, DC Experience, National Association of Medical Examiners, Interim Scientific Program, American Academy of Forensic Scientists 60<sup>th</sup> Annual Meeting, Washington, DC (Feb. 2008)

Workshop – DNA 101: Understanding DNA Evidence for the Non-Scientist, American Academy of Forensic Scientists 59<sup>th</sup> Annual Meeting, San Antonio, TX (Feb. 2007)

Workshop – Mitochondrial DNA Analysis: The Foundation and the Fundamentals of the Leading Edge, American Academy of Forensic Scientists 59<sup>th</sup> Annual Meeting, San Antonio, TX (Feb. 2007)

Defending Crimes of Violence: Science & Technology, Fall Meeting and Seminar, National Association of Criminal Defense Lawyers, Boston, CO (Oct. 2006)

Expert Witnesses: Strategies and Pitfalls, Charlotte E. Ray American Inn of Court, Washington, DC (Apr. 2006)

Symposium – Legal/Forensic Evidence and Its Scientific Basis, National Academy of Sciences, Washington, DC (Apr. 2006)

Seventh Annual Canadian Symposium on DNA Forensic Evidence, Osgoode Professional Development Centre, Toronto, ON (Apr. 2006)

Third National Seminar on Forensic Evidence and the Criminal Law, Administrative Office of the U.S. Courts, Office of Defender Services, San Antonio, TX (Jan. 2006)

Future Trends in Forensic DNA Technology 2004 Seminar, Applied Biosystems, Bethesda, MD (Sept. 2004)

An Interactive Crime Scene Investigation, Public Defender Service for the District of Columbia, Washington, DC (May 2004)

Fourteenth International Symposium on Human Identification, Promega Corporation, Phoenix, AZ (Sept.-Oct. 2003)

21st Century Forensics & the Defense of a Criminal Case, Annual Meeting and Seminar, National Association of Criminal Defense Lawyers, Denver, CO (July-Aug. 2003)

From Crime Scene to Courtroom: An Interpretation of Evidence, Public Defender Service for the District of Columbia, Washington, DC (June 2003)

Defense-Based Victim Liaison Work in Death Penalty Litigation, University of Maryland School of Law, Baltimore, MD (Jan. 2003)

Science in the Courtroom for the 21st Century: Issues in Forensic DNA, Cook County Public Defender, Chicago, IL (May 2002)

Forensic DNA Conference, Cook County Public Defender, Chicago, IL (May 2001)

Sixteenth Annual Capital Punishment Training Conference, NAACP Legal Defense & Educational Fund, Inc., Warrenton, VA (July 1995)

Trial Skills Training, National Institute of Trial Advocacy, Chapel Hill, NC (June 1995)

Fifteenth Annual Capital Punishment Training Conference, NAACP Legal Defense & Educational Fund, Inc., Warrenton, VA (July 1994)

Robert M. Cover Public Interest Retreat, Peterborough, NH (Mar. 1993)

## PUBLICATIONS

Edward J. Ungvarsky, ABA Formal Opinion 498: Timely Guidance for Virtual Practice, Champion 59 (Aug. 2021), NACDL - Practice Points: ABA Formal Opinion 498: Timely Guidance for Virtual Practice.

Edward J. Ungvarsky, Stamos Is in Denial about Racial Disparities in Criminal Justice, InsideNOVA (Apr. 17, 2019), [https://www.insidenova.com/opinion/letters\\_to\\_editor/letter-stamos-is-in-denial-about-racial-disparities-in-criminal/article\\_9cf484ce-6066-11e9-a868-0f8c1cfb7a79.html](https://www.insidenova.com/opinion/letters_to_editor/letter-stamos-is-in-denial-about-racial-disparities-in-criminal/article_9cf484ce-6066-11e9-a868-0f8c1cfb7a79.html)

Gene Rossi & Edward J. Ungvarsky, Terry McAuliffe's Squandered Opportunity for Compassion, WASH. POST (July 23, 2017), [https://www.washingtonpost.com/opinions/gov-mcauliffe-made-an-irreversible-mistake/2017/07/21/294b0814-6800-11e7-8eb5-cbccc2e7bfbf\\_story.html?utm\\_term=.0c9a2a1afe43](https://www.washingtonpost.com/opinions/gov-mcauliffe-made-an-irreversible-mistake/2017/07/21/294b0814-6800-11e7-8eb5-cbccc2e7bfbf_story.html?utm_term=.0c9a2a1afe43)

Edward J. Ungvarsky, Bryan Stevenson for the Supreme Court, National Association for Public Defense, <http://publicdefenders.us/?q=node%2F998> (Feb. 22, 2016)

Jack Ballantyne, Catherine Cothran, Jules Epstein, Christine Funk, Chris Plourd, Vanessa Potkin, Ron Reinstein, & Edward Ungvarsky, National Institute of Justice, Office of Justice Programs, DNA for the Defense Bar (June 2012), <https://www.ncjrs.gov/pdffiles1/nij/237975.pdf>



- Bernadette Mary Donovan & Edward J. Ungvarsky, Strengthening Forensic Science in the United States: A Path Forward – Or Has It Been a Path Misplaced?, CHAMPION 16 (Feb. 2012), <https://www.nacdl.org/champion.aspx?id=23807>
- Edward J. Ungvarsky, Letter to the Editor, A Different Path to the High Court?, WASH. POST A20 (Apr. 25, 2010)
- Nell Sedransk, Linda J. Young, Katrina Kelner, Robert Moffitt, Ani Thakar, Jordan Raddick, Edward Ungvarsky, Richard W. Carlson, Rolf Apweiler, Lawrence H. Cox, Deborah Nolan, Keith A. Soper, & Cliff Spiegelman, Make Research Data Public? – Not Always So Simple: A Dialogue for Statisticians and Science Editors, 25 STATISTICAL SCI. 41 (2010), <https://projecteuclid.org/euclid.ss/1280841732>
- Dan Krane, David Balding, V. Bahn, Bicka Barlow, J.E. Cohen, Betty Layne DesPortes, Peter D'Eustachio, Travis E. Doom, Simon Ford, Christine Funk, Jason Gilder, Greg Hampikian, Keith. Inman, Alan Jamieson, Patrick E. Kent, Roger Koppl, Irv Kornfield III, Sheldon Krinsky, Jennifer Mnookin, Lawrence Mueller, Erin Murphy, David R. Paoletti, D. Petrov, Michael Raymer, Andrea Roth, Norah Rudin, William Shields, Jay A. Siegel, Travis Speed, Cliff Spiegelman, Patrick Sullivan, Anjali R. Swinton, William C. Thompson, & Edward Ungvarsky, Letter to the Editor, Time for DNA Disclosure, 326 Science 1631-32 (2009), <https://www.ncbi.nlm.nih.gov/pubmed/20019271>
- Andrea L. Roth & Edward J. Ungvarsky, Data Sharing in Forensic Science: Consequences for the Legal System, 2009 Proceedings of the Joint Statistical Meetings 469-74 (2009), <https://www.ncbi.nlm.nih.gov/pubmed/20019271>
- Andrea L. Roth & Edward J. Ungvarsky, Book Review, Forensic Identification and Criminal Justice: Forensic Science, Justice, and Risk, by Carole McCartney, 8 LAW, PROBABILITY, AND RISK 55 (2009), [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1317441](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1317441)
- Edward J. Ungvarsky, Remarks on The Use and Misuse of Forensic Science to Lead to False Convictions, 41 NEW ENGLAND L. REV. 609 (2007), <https://newenglrev.com/archive/volume-41/issue-3-2/v41b3ungvarsky/>
- Edward J. Ungvarsky, What Does “1 in a Trillion” Mean?, 20 GENEWATCH 10 (Jan./Feb. 2007), <http://wisprd.org/attachments/article/244/What%20does%20One%20in%20a%20Trillion%20Mean.pdf>
- Frederika A. Kaestle, Ricky A. Kittles, Andrea L. Roth, & Edward J. Ungvarsky, Database Limitations on the Evidentiary Value of Forensic Mitochondrial DNA Evidence, 43 AM. CRIM. L. REV. 53 (2006), [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1247662](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1247662)
- Rebecca S. Tinio & Edward J. Ungvarsky, Expert Testimony, in CRIMINAL PROCEDURE INSTITUTE PRACTICE MANUAL (The Deborah T. Creek Criminal Practice Institute 2005 ed.)
- Edward J. Ungvarsky, Reasonable Doubt in the Age of CSI: Experts and Science in the Courtroom, 6 THE SAN ANTONIO DEFENDER 3 (July/Aug. 2005)
- Richard S. Schmechel, William C. Thompson, & Edward J. Ungvarsky, Defending with (and Against) Forensic Evidence: A Call for Shared Resources, CHAMPION 39 (Aug. 2005)
- Edward J. Ungvarsky, Letter to the Editor re: Death Penalty: The Catholic Position, N.Y. POST (Apr. 2, 1996)
- Michael J. Raphael & Edward J. Ungvarsky, Excuses, Excuses: Neutral Explanations Under Batson v. Kentucky, 27 U. MICH. J.L. REF. 229 (1994), reprinted in JAMES G. CARR, ed., CRIMINAL LAW REVIEW 463 (1995),



<https://heinonline.org/HOL/LandingPage?handle=hein.journals/umijlr27&div=9&id=&page=>

#### **NACDL ACTIVITIES**

Peer Reviewer, THE CHAMPION (2010-present) (review articles related to forensic science, death penalty, and criminal defense)

Board Member, National Association of Criminal Defense Attorneys (Aug. 2010 – Oct. 2011)

Co-Chair, Death Penalty Committee, National Association of Criminal Defense Attorneys (Oct. 2011 – July 2014); Member (July 2014 to present)

Member, Forensic Sciences Committee, National Association of Criminal Defense Attorneys (Oct. 2013 – present)

Member, Forensic Disciplines Committee, National Association of Criminal Defense Attorneys (2010 – 2012)

Chair, NACDL Task Force on the Future of Forensic Science (issued February 27, 2010 report, “Principles and Recommendations to Strengthen Forensic Science and Its Presentation in the Courtroom” and issued November 9, 2009 Preliminary Statement and Recommendations on Strengthening Forensic Science”)

Vice-Chair, Forensic Science Committee, National Association of Criminal Defense Attorneys (2004-05, 2005-06, 2006-07, 2007-08; 2008-09; 2009-10)

Administrator, NACDL-NLADA On-Line Forensic Library (2004-09)

Member, National Association of Criminal Defense Attorneys (1997-present)

#### **DEPARTMENT OF JUSTICE PEER REVIEW COMMITTEES**

Peer Reviewer, Bureau of Justice Assistance, FY 2022 National Initiatives – Justice for All: Effective Administration of Criminal Justice Training and Technical Assistance Program (July 2022)

Peer Reviewer, Bureau of Justice Assistance, FY 2020 Upholding the Rule of Law and Preventing Wrongful Convictions (April-May 2020)

Peer Reviewer, Bureau of Justice Assistance, FY 2018 Capital Case Litigation Initiative (June-July 2018)

Peer Reviewer, Office of Justice Programs, FY 2017 Postconviction Testing of DNA Evidence (June-July 2017)

Peer Reviewer, Bureau of Justice Assistance, FY 2017 Wrongful Conviction Review Program, (May-June 2017)

Peer Reviewer, Office of Justice Programs, FY 2015 Postconviction DNA Testing of DNA Evidence to Exonerate the Innocent (May-June 2015)

Peer Reviewer, Bureau of Justice Assistance, FY 2012 Capital Case Litigation Initiative (Apr. 2013)

Peer Reviewer, National Institute of Justice, FY 2012 Postconviction DNA Testing Assistance Program (Apr. 2013)

Peer Reviewer, National Institute of Justice, FY 2010 Postconviction DNA Testing Assistance Program (May 2011)

Peer Reviewer, National Institute of Justice, FY 2010 Solving Cold Cases with DNA (Apr. 2011)

Peer Reviewer, Bureau of Justice Assistance, FY 2011 Capital Case Litigation Initiative (Mar.-Apr. 2011)

Peer Reviewer, Bureau of Justice Assistance, FY 2010 Capital Case Litigation Initiative (May 2010)

Peer Reviewer, National Institute of Justice, FY 2010 Postconviction DNA Testing Assistance Program (May 2010)

Peer Reviewer, National Institute of Justice, FY 2010 Solving Cold Cases with DNA (Mar. – Apr. 2010)

Peer Reviewer, Bureau of Justice Assistance, FY 2009 Encouraging Innovation: Field –Initiated Programs (June-July 2009)

Peer Reviewer, National Institute of Justice, FY 2008 Postconviction DNA Testing Assistance Program (Apr. -June 2008)

#### **OTHER PROFESSIONAL ACTIVITIES**

Keynote Address, Investiture of William M. Chick, Juvenile & Domestic Relations Court, Arlington, Virginia (Aug. 5, 2022)

Law and The Talmud, UCLA School of Law (Spring 2021) (audited virtual seminar course taught by Professor Jonathan Zasloff)

Spanish Language Immersion School, Oaxaca, Mexico (June-July 2019) (two weeks of intensive Spanish language study and immersion)

Founding Board Member, the Center for Better Justice, Alexandria, VA (Mar. 2017 to date) (innocence investigation non-profit)

CPI Spanish Immersion School, Sarapiquí and Monteverde, Costa Rica (June-July 2016) (two weeks of intensive Spanish language study and immersion)

Peer Reviewer, MITIGATION IN CAPITAL CASES: UNDERSTANDING AND COMMUNICATING THE LIFE STORY, ABA Commission on Disability Rights (Feb. 2015)

Member, DNA for Defense Technical Working Group, National Clearinghouse for Science, Technology and Law (one of eight members of NIJ-initiated working group charged with providing resources to defense lawyers' understanding and evaluation of DNA evidence, which resulted in *DNA for the Defense Bar* (NIJ June 2012))

Member, Redbook Committee to Revise and Issue Fifth Edition of D.C. Pattern Jury Instructions (September 2007 – November 2008)

Expert Testimony, People v. Frank Thomas Spagnola, Berrien Co. (Mich.) Trial Court No. 2002-402913 FC, December 17, 2007 (post-conviction ineffectiveness assistance of counsel hearing).

Recommended by D.C. Judicial Nomination Commission to President of the United States for Nomination

to Position of Associate Judge of the Superior Court for District of Columbia (Oct. 2006)

Clemency Application of David Ronald Chandler (Jan. 2001) (assisted successful clemency application of federal death row inmate to President Clinton)

**PROFESSIONAL MEMBERSHIPS**

National Association of Criminal Defense Attorneys (NACDL)

Virginia Association of Criminal Defense Attorneys (VACDL)

VADefenses Listserv (Northern Virginia criminal defense invited membership listserv)

Alexandria (Va.) Bar Association

Arlington (Va.) Bar Association

District of Columbia Association of Criminal Defense Attorneys (DCCDL)

District of Columbia Superior Court Trial Lawyers Association (SCTLA)